1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 VERIDIAN CREDIT UNION, CASE NO. C17-0356JLR 10 ORDER STRIKING DISCOVERY Plaintiff, 11 **MOTION** v. 12 EDDIE BAUER, LLC, 13 Defendant. 14 Before the court is Plaintiff Veridian Credit Union's ("Veridian") motion to 15 compel Defendant Eddie Bauer, LLC to produce responsive documents and a privilege 16 log. (MTC (Dkt. #85).) Veridian filed its motion without first requesting a conference 17 18 with the court. The motion therefore contravenes the court's July 30, 2017, scheduling 19 order. (See Am. Sched. Order (Dkt. # 58) at 2 (citing Fed. R. Civ. P. 16(b)(3)(B)(v)) 20 ("[P]ursuant to Federal Rule of Civil Procedure 16, the Court 'direct[s] that before

moving for an order relating to discovery, the movant must request a conference with the

court'....")); see also Fed. R. Civ. P. 16(b)(3)(B)(v) (permitting the court, in its

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scheduling order, to "direct that before moving for an order relating to discovery, the movant must request a conference with the court"). Thus, the court STRIKES Veridian's motion (Dkt. #85) without prejudice to refiling the motion in a manner that comports with the court's scheduling order.

This is the second time Veridian has improperly filed a discovery motion, which the court has had to strike. (See 2/2/18 Order (Dkt. # 76).) The court will not allow Veridian to continue to disregard court orders and will consider appropriate sanctions for any additional violations.

Finally, the court notes that Veridian filed a motion to seal (MTS (Dkt. #87)) in connection with the motion to compel. Because Veridian has already filed the confidential document provisionally under seal, the court ORDERS Eddie Bauer to respond to the motion to seal no later than Wednesday, May 2, 2018, at 5:00 p.m. Veridian may not file a reply brief.

Dated this 26th day of April, 2018.

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JAMES L. ROBART United States District Judge

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